

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

July 29, 2009

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
James Schuyler
Laura DuPuy (arrived at 10:06 a.m.)
Jeffrey Adkins
Robert Ruais
Tonye Epps
Stephen McMaster
Martin Maples
Penny Johnson (arrived at 10:08 a.m.)
Jim Ginnell
Neil Bhatt

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Emily Trent, Administrative Assistant
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Yvette Barnes, Fair Housing Investigator
Aysan Sanchez, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:04 **Call to Order**
A.M.

A motion was made by Mr. Schuyler and seconded by Mr. **Agenda**
Maples to approve the Agenda. The motion passed
unanimously. Members voting "Yes" were: Adkins, Bhatt,

DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

There was no public comment.

Public Comment

A motion was made by Mr. McMaster and seconded by Mr. Bhatt to approve the following minutes: June 10, 2009, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Minutes

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing
Administrator's Report**

Ms. DuPuy arrived at 10:06 a.m.

**Arrival of Board
Member**

Ms. Johnson arrived at 10:08 a.m.

**Arrival of Board
Member**

In the matter of **FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht and Elizabeth Epps**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. The matter was deferred to the next Board meeting.

**FHB File Number 2009-
01956, Daniel
Rothenhoefer v. Thomas
Houseknecht and
Elizabeth Epps**

In the matter of **FHB File Number 2009-03979, Sandra Miller v. Akia Brown, Edgewood Management Corp., and MCF-SCF. Ltd.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. The matter was deferred to the next Board meeting.

**FHB File Number 2009-
03979, Sandra Miller v.
Akia Brown, Edgewood
Management Corp., and
MCF-SCF. Ltd.**

In the matter of **FHB File Number 2009-03990, James Young v. Leah T. M. Durham and Courthouse Green Holdings, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. David Solodar, attorney for respondent, was present and addressed the Board. A motion was made by Mr. Ruais and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster,

**FHB File Number 2009-
03990, James Young v.
Leah T. M. Durham and
Courthouse Green
Holdings, LLC**

Ruais, Rubinstein and Schuyler.

In the matter of **FHB File Number 2009-04050, Shirlene Dietz and Garry Dietz v. Carol Midgette and Alice M. Smith**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Shirlene and Garry Dietz, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. DuPuy to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Adkins, DuPuy, Ginnell, Johnson, Maples, Ruais and Rubinstein. Member voting "No" was Epps.

FHB File Number 2009-04050, Shirlene Dietz and Garry Dietz v. Carol Midgette and Alice M. Smith

Mr. Bhatt, Mr. McMaster, and Mr. Schuyler abstained from voting in the matter.

In the matter of **FHB File Number 2009-03694, Amritpal Singh v. North Gayton Apartments, LP, The Breeden Company, and Debbie Isaacs**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Amritpal Singh, complainant, was present and addressed the Board. A motion was made by Mr. McMaster and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais and Rubinstein. Member voting "No" was Schuyler.

FHB File Number 2009-03694, Amritpal Singh v. North Gayton Apartments, LP, The Breeden Company, and Debbie Isaacs

In the matter of **FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. Kelly Nance, respondent, and Richard Thomas, witness, were present and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Ruais to find no reasonable cause that the Respondent discriminated against the Complainant regarding refusal to rent, discriminatory terms and conditions and reasonable accommodation based on handicap. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Maples, Ruais, Rubinstein and

FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance

Schuyler. Member voting "No" was McMaster.

A motion was made by Mr. Ruais and seconded by Mr. Maples to find no reasonable cause that the Respondent discriminated against the Complainant regarding making, printing or publishing discriminatory statements based on handicap. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Maples, Ruais, Rubinstein and Schuyler. Member voting "No" was McMaster.

Due to possible conflict of interest, Ms. Johnson did not vote or participate in discussion in this matter.

In the matter of **FHB File Number 2007-02701, Sheila Reed v. Ronnie Lee Motsinger**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. Ronnie Lee Motsinger, addressed the Board via telephone conference.

At 11:09 A.M., Ms. Johnson offered a motion which was seconded by Mr. McMaster, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Deanda Shelton.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

13. FHB File Number 2007-02701, Sheila Reed v. Ronnie Lee Motsinger

At 11:50 A.M., a motion was made by Mr. McMaster and seconded by Mr. Maples that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of

Certification

Information Act; and

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 11-0

AYES: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: None.

In the matter of **FHB File Number 2007-02701, Sheila Reed v. Ronnie Lee Motsinger**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. Ronnie Lee Motsinger, addressed the Board via telephone conference. A motion was made Mr. McMaster and seconded by Mr. Schuyler to find reasonable cause that the Respondent violated §36-96.5 of the *Code of Virginia* by interfering with the complainants Fair Housing rights. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-02701, Sheila Reed v. Ronnie Lee Motsinger

The Board recessed from 11:52 A.M. to 12:02 P.M.

Break

In the matter of **FHB File Number 2009-01359, Linda B.**

FHB File Number 2009-

Matarese v. Malcolm McGregor, Mitch Mann, Amilcar Garcia, Archstone and Smith Property Holdings Parc Vista LLC, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Bhatt and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster and Ruais. Members voting "No" were Rubinstein and Schuyler.

01359, Linda B. Matarese v. Malcolm McGregor, Mitch Mann, Amilcar Garcia, Archstone and Smith Property Holdings Parc Vista LLC

In the matter of **FHB File Number 2009-03099, Nancy Peralta v. Community Housing Partners, Mandy Wadley and Janaka Casper**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ginnell and seconded by Ms. Epps to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-03099, Nancy Peralta v. Community Housing Partners, Mandy Wadley and Janaka Casper

Due to a possible conflict of interest, Ms. Johnson and Ms. DuPuy did not vote or participate in discussion in this matter.

In the matter of **FHB File Number 2009-03918, Arelitha Moyler v. Donna Kitt, Berkley Limited Partnership, and AIMCO**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Schuyler and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-03918, Arelitha Moyler v. Donna Kitt, Berkley Limited Partnership, and AIMCO

In the matter of **FHB File Number 2009-03521, Yvonne Wynn v. Ruth Buckles, Ron Maddox, Georgie Robbins, Woodstone Village I, LP, and WV Two, LP**, a motion was made by Mr. McMaster and seconded by Mr. Schuyler to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-03521, Yvonne Wynn v. Ruth Buckles, Ron Maddox, Georgie Robbins, Woodstone Village I, LP, and WV Two, LP

In the matter of **FHB File Number 2009-03863, HOME of**

FHB File Number 2009-

VA, Inc. v. Maude Kerby, Allen Levey, a motion was made by Mr. McMaster and seconded by Mr. Schuyler to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

03863, HOME of VA, Inc. v. Maude Kerby, Allen Levey

In the matter of **FHB File Number 2009-03702, Paul and Renee Saulsbury v. William Robinson**, a motion was made by Mr. McMaster and seconded by Mr. Schuyler to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-03702, Paul and Renee Saulsbury v. William Robinson

In the matter of **FHB File Number 2009-04039, Rosemary Ramirez v. Taylor Loft, LLC and Lisa Wallace**, a motion was made by Mr. McMaster and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-04039, Rosemary Ramirez v. Taylor Loft, LLC and Lisa Wallace

Tom Payne, Assistant Attorney General with the Office of the Attorney General, updated the Board on the status of File Number 2003-02670, Crystal Walker v. Barry Schmidts. No action was taken by the Board.

Old Business

At 12:50 P.M., Ms. Johnson offered a motion which was seconded by Mr. Schuyler, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne and Liz Hayes.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

18. File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association and Koger Management Group

Old Business FHB File Number 2008-01789, Camelot of Virginia, LLC v. Wythe County Board of Supervisors

At 1:03 P.M., a motion was made by Ms. Johnson and seconded by Mr. McMaster that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 11-0

AYES: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: None.

In the matter of the **File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association and Koger Management Group**, a motion was made by Mr. Schuyler and seconded by Ms. DuPuy to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, DuPuy, Epps, Ginnell, Johnson, Maples,

File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association and Koger Management

McMaster, Ruais, Rubinstein and Schuyler.

Group

In the matter of **File Number 2008-01789, Larry Morrisett v. Wythe Count Board of Supervisors**, no action was taken by the Board.

Old Business

The Board completed Conflict of Interest training.

New Business

The Board adjourned at 2:00 p.m.

David B. Rubinstein, Chairman

Jay W. DeBoer, Secretary

DRAFT